

# **Exhibit B**

**James Barnes**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Rodriguez, et al. v. The Islamic Republic of Iran</i>	18-cv-12347 (GBD)(SN) ECF Case

**DECLARATION OF JAMES BARNES**

I, James Barnes, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than eighteen (18) years of age and I have personal knowledge of and am competent to testify to the matters stated in this declaration. I am a citizen of the United States. I was a citizen of the United States on September 11, 2001.

2. On September 11, 2001, I was present in New York City when the terrorist attacks on the World Trade Center (WTC) occurred. I was a Detective with the New York Police Department (NYPD) Emergency Services Unit (ESU). The day of the attack I was scheduled to be off duty. When I learned of the attacks I immediately reported to my unit. ESU is responsible for responding to all incidents requiring search and rescue, special weapons and tactics, expertise in handling hazardous materials/weapons of mass destruction, including chemical, biological, and nuclear, as well as all incidents involving explosives. I arrived in Lower Manhattan within an hour after the towers fell.

3. The streets of Manhattan were clogged with vehicles. There were no people on the streets other than emergency personnel. The city was covered in ash and soot which continued to fall and was so dense and widespread it looked like snow. Buildings were burning and it was possible to see fires on the upper floors above the smoke. The debris field was piled five or six

stories high. The Deutsche Bank building looked as if it had been split down the middle. When I arrived at Ground Zero, the task of removing all the debris seemed insurmountable.

4. We began the search and rescue effort, looking for anyone who might be trapped under the rubble. As we went below the street surface, I recall seeing the subway trains on the tracks at the station covered with dust but otherwise completely intact. In the stairwells we found only ash; we found no survivors. The only rescue I recall being involved in at Ground Zero was extricating a police officer who had become trapped in the debris. The search and rescue operation quickly became a search and recovery operation.

5. I continued to work at the site until I was relieved the next morning at 5:00 a.m. In the days that followed, each team was assigned a section of the debris field to work. We were assigned twelve-hour shifts which routinely lasted for fourteen hours or more. We were sifting through the debris and exploring cavities in the surface searching for evidence from the attacks and human remains. After a week or slightly more, the search focused on finding remains. I spent fifteen days a month at Ground Zero from September 11, 2001 until June 6, 2002. The fires at Ground Zero burned until January.

6. All the members of the ESU had received hazardous materials training. We were aware that the personal protective equipment we were equipped with was wholly inadequate to protect our eyes, airways, and skin from the noxious environment that existed in the aftermath of the attacks. We had paper masks which were incapable of filtering all the particulates in the air we were breathing. We were dressed in our uniforms which did not protect our skin and we had no eye protection. We all knew that there would be health consequences from this exposure. The grit and grime got onto and into everything, including our eyes, nose, throats, and all over our uniforms and exposed areas of skin. After a few weeks at Ground Zero our boots disintegrated

from the heat of the debris we were walking through. Although we were eventually able to obtain some masks with double filters, face shields, and some clothing that was more protective than our uniforms, it was too little, too late.

7. My medical issues began within months of working at the WTC site. By December 2001 I developed abnormal breathing sounds and was diagnosed with asthma, a condition I had never suffered from before my exposure to the environment at Ground Zero. It became so bad that in January 2002, my doctor wrote a letter of appeal requesting that the time I was exposed to the conditions at the site be reduced to allow my body time to recover. Despite the doctor's letter, I continued with my normal twelve to fifteen-hour shifts at the site until June. Additionally, I developed chronic rhinitis and sinusitis from this exposure.

8. I learned of the World Trade Center Health Program (WTCHP) through the police union in 2010. I began the annual monitoring program. In 2012, I was diagnosed with prostate cancer. In April 2013, I was forced to undergo a radical prostatectomy, a surgical procedure to remove the cancer.


9. Prior to my cancer diagnosis but after my retirement, I found employment working with explosive detection dogs in New York City. I had considered this would be my second career. However, within months of the starting this new career, I received my cancer diagnosis and underwent surgery. As a result of the surgery, I began to experience urinary urgency and stress incontinence. This made it impossible for me to continue my job which required me to drive into the city from my home in Suffolk County, New York. I could no longer work continuously with the animals for the time periods required during training so I was forced to leave my job. I had been a defensive tactics instructor during my career with the police department and frequently engaged in martial arts training. My condition following prostate surgery, in addition to my

continuing issues with asthma, does not permit me to participate in this, or many other physical activities. The cancer surgery has also adversely impacted my relationship with my wife. I am now required to take three different medications daily to help me breathe. I also suffer from obstructive sleep apnea which prevents me from sleeping without waking at least five times each night. The time I spent at Ground Zero after the attacks has had a profound and deleterious impact on my life.

10. I received diagnoses of several conditions related to my exposure to the toxic environment at the WTC site from the WTCHP. I applied to the Victim Compensation Fund (VCF). The VCF found that I was eligible for compensation based on the information it received for injuries including chronic rhinosinusitis, asthma, and malignant neoplasm of the prostate. A true and correct copy of the VCF eligibility determination letter documenting the physical injuries I suffered from the attacks on 9/11 is submitted with this declaration as part of this exhibit.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 30<sup>th</sup> day of April, 2025.

  
Declarant James Barnes



September 11th  
Victim Compensation Fund

November 10, 2015

JAMES BARNES

Dear JAMES BARNES:

Your Eligibility Form for the September 11th Victim Compensation Fund ("VCF") has been reviewed. Your claim number is VCF0011934. The Claims Evaluator determined that your Eligibility Form was substantially complete on November 10, 2015. As stated in the Regulations and on the Eligibility Form, by filing a substantially complete Eligibility Form you have waived your right to file or be a party to a September 11th-related lawsuit. For more information about this topic, please review Frequently Asked Questions ("FAQs") #7.1 - #7.4 on the [www.vcf.gov](http://www.vcf.gov) website.

#### The Decision on your Claim

The VCF has determined that you meet the eligibility criteria established in the statute and regulations. Based on the information you submitted and information the VCF has received from the World Trade Center ("WTC") Health Program, you have been found eligible for the following injuries:

- ASTHMA
- CHRONIC RHINOSINUSITIS
- MALIGNANT NEOPLASM OF PROSTATE

Please note that there are several reasons why an injury that you think should be eligible is not listed above. For conditions claimed through the VCF Private Physician process, the condition may have been found not eligible for compensation. Please see the enclosed "Conditions Not Eligible for Compensation" document for a more detailed explanation. Additionally, for non-traumatic injuries, the name of the injury is based on the information provided by the WTC Health Program and there may be different names for the same injury. Lastly, your injury may not be listed if it was only recently certified for treatment by the WTC Health Program.

If in the future the WTC Health Program should notify you that a condition previously found eligible is no longer certified, you must inform the VCF as this may affect your eligibility status and/or loss calculation.

#### What Happens Next

If you do not have injuries other than those listed above, you should submit your Compensation Form and required supporting materials. If you have already submitted your Compensation Form, you do not need to take any action at this time. When you receive the



September 11th  
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letter with your loss calculation decision, you will have the right to appeal. In that appeal, you may include additional injuries you believe are eligible and for which you should be compensated. Instructions for the appeal process will be included in your loss calculation decision letter.

**If you have been certified for treatment by the WTC Health Program for a condition not listed above**, you should amend your claim. Please see the VCF website for details on how to amend your claim. Once you have amended your claim, the VCF will contact the WTC Health Program to confirm the condition is eligible.

**If in the future you are diagnosed with a new 9/11-related condition** or if the WTC Health Program certifies you for treatment for a condition that was not previously certified, you may amend your claim. The VCF will review the new information and determine if it provides the basis for a revised decision. Please see the VCF website for additional details on how to amend your claim and the specific circumstances that may be appropriate to request an amendment.

**Please remember all information and materials must be submitted to the VCF by October 3, 2016.**

If you have questions about the information in this letter or the claims process in general, please call our toll-free Helpline at 1-855-885-1555. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100. Every effort will be made to respond to your inquiries as soon as possible.

Sincerely,

Sheila L. Birnbaum  
Special Master  
September 11th Victim Compensation Fund